



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 14TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.664 of 2020

In the matter of Indian
Succession Act
(Act XXXIX of 1925)

and

In the matter of certain Debts of
Selvi.S.Namagiri – Deceased Intestate

1. S.GOPINATH,
aged 47 years,
S/o G.Sadasivam,
New No.22, Old No.55,
99th Street, 15th Sector,
K.K.Nagar, Chennai - 78

2. S.MUGUNTHAN
aged 44 years,
S/o G.Sadasivam,
No.7, 88th Street, Ashok Nagar,
Chennai - 83

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a

Succession Certificate may be granted to the Petitioners with power to

collect the debts and to receive the interest specified in the schedule.



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Original Petition coming on this day before this court for hearing the court made the following order:

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2. The petitioners state that Ms.S.Namagiri resided at No.7, 88th Street, Ashok Nagar, Chennai - 83 and died on 25.09.2018. The petitioners are the brothers of the deceased. At the time of her death, she was working as Joint Director and Head of Division (RD & DP) in the State Planning Commission. The deceased did not marry during her life time and hence she was issueless. The parents of the deceased predeceased her. Therefore, as class-II legal heirs, the petitioners are entitled to a share in the estate of the deceased. At the time of her death, the deceased resided in the above mentioned address, which is within the jurisdiction of this Court.

3. The deceased died intestate and though due and diligent search has

been made for a Will, none has been found. According to the petitioners, the



entire benefits which the legal heirs are entitled to shall be given in favour of the petitioners. The succession certificate is required for the petitioners for the purpose of making further investments and to discharge personal commitments. The total tentative terminal benefits in respect of which the succession certificate is required are of the value has been arrived at Rs.46,91,336/-. The succession certificate is required only for the movable property viz., the terminal benefits mentioned in the schedule hereto and not for any immovable property.

4. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased and no application for probate of any will of the said deceased or for letters of administration with or without the will annexed to his properties and credits, have been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate to the petitioners with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

5. The first petitioner examined himself as P.W.1 and marked Exs.P1



who died on 13.10.1981. Ex.P2 is the computer generated death certificate of P.V.Umavathi, who died on 12.11.1987. Ex.P3 is the photocopy of the Legal Heirship certificate dated 25.03.2008 in respect of P.V.Umavathi. Ex.P4 is the photocopy of the Aadhaar card of S.Namagiri bearing No.419554606081. Ex.P5 is the computer generated death certificate of Namagiri, who died on 25.09.2018. Ex.P6 is the photocopy of his Aadhaar card bearing No.282340400714. Ex.P7 is the photocopy of the Aadhaar card of the second petitioner S.Mugunthan bearing No.742049658854. Ex.P8 is the photocopy of the letter dated 16.10.2018 sent by Accountant General (A&E) Tamil Nadu to the Director, Rural Development and Panchayat Raj. Ex.P9 is the photocopy of the letter dated 20.03.2019 sent by Director, Rural Development and Panchayat Raj to the Member Secretary, State Planning Commission, Ezhilagam, Chepauk, Chennai – 5. Ex.P10 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 25.02.2021.

6. Considering the averments made in the petition and the documents filed by the petitioners, this Court is satisfied that the petitioners have succeeded to the Estate of the deceased Ms.S.Namagiri. Therefore, the petition is ordered as prayed for and a direction for grant of Succession



the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render accounts once in a year.

Sd/.V.P.N.J.
14.09.2021

//Certified to be a true copy//
Dated this the day of 2021.

SU/20.09.2021 COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.